



**Fitch, Even, Tabin & Flannery**

*Intellectual Property Law*

## F A C S I M I L E

Name:	Commissioner for Patents U.S. Patent & Trademark Office
FAX:	703 - 746-4060
Application No.:	10/687,352
Filing Date:	October 15, 2003
Inventors:	Perez et al.
Art Unit:	TBD
From:	Scott J. Menghini, Reg. No. 42,880
Today's Date:	October 26, 2004
Attorney Docket No.:	82887/7948
Pages:	Eleven (11) (including this 1-page coversheet)
Dispatched by:	D. Dockett

Transmitted herewith for filing via facsimile:

Transmittal Form (1 pg.); Fee Transmittal (1 pg.); Response to Notice to File Missing Parts of Application (1 pg.); Executed Combined Declaration for Patent Application/Power of Attorney (5 pgs); Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.); and Facsimile Cover Sheet (1 pg.)

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82887facemrht.001



PTO/SB/21 (04-04)  
Approval for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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## TRANSMITTAL FORM

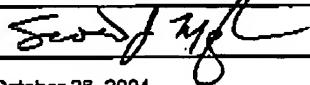
(to be used for all correspondence after initial filing)

		Application Number	10/687,352
		Filing Date	October 15, 2003
		First Named Inventor	Perez
		Art Unit	TBD
		Examiner Name	TBD
Total Number of Pages in This Submission	11	Attorney Docket Number	82887/7948

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Executed Combined Declaration and Power of Attorney (5 pgs.) Copy of Notice to File Missing Parts (2 pgs.) Facsimile Cover Sheet (1 pg.)
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual name	Scott J. Menghini, Reg. No. 42,680
Signature	
Date	October 26, 2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Scott J. Menghini	Date	October 26, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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OCT 26 2004

15:42 FAX 8585520095

PTO/SBM17 (10-03)  
 Approved for use through 07/31/2006. OMB 0651-0032  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEET TRANSMITTAL for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 439.00)

## Complete If Known

Application Number	10/687,352
Filing Date	October 15, 2003
First Named Inventor	Perez
Examiner Name	TBD
Art Unit	TBD
Attorney Docket No.	82887/7948

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None  
 Deposit Account

Deposit Account Number **06-1135**  
 Deposit Account Name **Fitch, Even, Tabin & Flannery**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1001	790	2001	395
1002	350	2002	175
1003	550	2003	275
1004	790	2004	395
1005	160	2005	80
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	35	-20**= 15	X 18.00 = <b>135.00*</b>
Independent Claims	6	-3**= 3	X 88.00 = <b>174.00*</b>
Multiple Dependent			=

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1202	18	2202	9
1201	88	2201	44
1203	300	2203	150
1204	88	2204	44
1205	18	2205	9
SUBTOTAL (2) (\$)		309.00	

\*REFLECTS AMOUNTS PREVIOUSLY PAID - SEE RESPONSE FOR EXPLANATION

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	820*	1804	920*
1805	1,640*	1805	1,640*
1251	110	2251	55
1252	430	2252	215
1253	980	2253	490
1254	1,530	2254	765
1255	2,080	2255	1,040
1401	340	2401	170
1402	340	2402	170
1403	300	2403	150
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,370	2453	685
1501	1,370	2501	685
1502	490	2502	245
1503	660	2503	330
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	790	2809	395
1810	790	2810	395
1801	790	2801	395
1802	800	1802	900
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			130.00

## Complete If Applicable

SUBMITTED BY	Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Date
Signature		42,880	858-552-1311	October 26, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 26 2004

Attorney Docket No. 82887/7948.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Scott J. Mengnini  
Registration No. 42,880  
Attorney for Applicants

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Sir:

This is in response to a Notice to File Missing Parts of Nonprovisional Application. Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

Executed Combined Declaration and Power of Attorney. The above-identified application is the same application which the inventors executed by signing the enclosed declaration.

Additional claim fees of \$309.00

**This amount represents the corrected total due for claims as follows:**

$$\text{35 claims} \quad - 20 = 15 \quad \times \$18 \quad = 270 - \$135^* = \$135$$

**6 Independent claims - 3 = 3 x \$88 = 264 - \$90\* = \$174**

\* represents amount previously paid by applicant on 10/15/03

( X ) Missing Parts Surcharge \$130.00

**( X ) Facsimile Transmission Coversheet**

The undersigned is a registered attorney not of record who acts in a representative capacity under the provisions of 37 CFR 1.34(a) .

Date: October 26, 2004

Respectfully submitted,

By:

**Scott J. Menghini**

**Fitch, Even, Tabin & Flannery**

Reg. No. 42,880

Phone No.: 858-5521

Telephone No. 333-3333



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/687,352	10/15/2003	Sergio Perez	40990-RB

## CONFIRMATION NO. 7833

John D. Bauersfeld  
Kelly Bauersfeld Lowry & Kelley, LLP  
Suite 1650  
6320 Canoga Avenue  
Woodland Hills, CA 91367

## FORMALITIES LETTER



\*OC000000013644540\*

Date Mailed: 08/26/2004

OCT 26 2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$312 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$442 for a Large Entity

■ \$130 Late oath or declaration Surcharge.	10/27/2004 JBALINAN 00000078 061135 10687352
■ Total additional claim fee(s) for this application is \$312	01 FC:1201 167.00 DA 9.00 OP
	02 FC:1202 144.00 DA
	03 FC:1051 130.00 DA

■ \$258 for 3 independent claims over 3.

10/27/2004 JBALINAN 00000078 061135 10687352  
130.00 DA  
264.00 DA  
270.00 DA  
01 FC:1051  
02 FC:1202  
03 FC:1201

■ \$54 for 15 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*B*  
*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
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PART 2 - COPY TO BE RETURNED WITH RESPONSE